MESSAGE

OF

A. G. CURTIN,

GOVERNOR OF PENNSYLVANIA,

RELATIVE TO

MILITARY ARRESTS.

FEBRUARY 12, 1863.

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MESSAGE.

EXECUTIVE CHAMBER,
Harrisburg, February 12, 1863.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—I desire to call your attention to a subject of moment.

When the present infamous and God condemned rebellion broke out, Congress was not in session, and the occurrence of such a state of things not having been foreseen in former times, no adequate legislation had been had to meet it. At the same time the life of the country being at stake, it appeared necessary that some means should be taken to control the small band of traitors in the loyal States, so as to prevent them from machinations which might be injurious, if not fatal to the national cause. Under these circumstances the General Government resorted to a system of military arrests of dangerous persons, and having thus commenced acting under it, have continued (at long intervals in this State) to pursue it. The government of the United States acts directly on individuals, and the State Executive has no authority or means to interfere with arrests of citizens of the United States made under the authority of that government.

Every citizen of Pennsylvania is also a citizen of the United States and owes allegiance to them, as well as (subject to the provisions of the Constitution of the United States) he owes it to Pennsylvania. If he be unlawfully deprived of his liberty, his only redress is to be had at the hands of the judiciary. In such times as the present it is more than ever necessary to preserve regularity in official action. Great efforts have been and are perhaps still being made, by persons blinded or ill disposed, to throw us into a state of revolution:—that is to say, to create anarchy and confusion—and ultimately to bring about the destruction of life and property among us. Any irregular, much more illegal interference by your Executive, with matters which by the constituion are not entrusted to his cognizance, and especially any such interferencc with the action of the Executive of the United States or with the functions of the judiciary, would be in the existing crisis emphatically dangerous; it would have a direct revolutionary tendency; in fact, it would be to commence a revolution. The courts of justice are open, and no doubt all personal wrongs can be properly redressed in due course of law.

I do not know how many arrests of the kind hereinbefore referred to have been made in Pennsylvania, as I have at no time been privy to the

making of them, but I believe they have been few. I was under the impression that there would be no neccssity for more of them, otherwise I might have referred to them in my annual message, but recent events having shown that this impression was erroneous, I deem it my duty now to invite your attention to the subject.

The contest in which we are engaged is one for the preservation of our own liberty and welfare. The traitors at the south hate the great body of our people who are loyal, and hate and bitterly despise the few who are ready for submission. Unless the rebellion be effectually suppressed we must lose our pride of conntry, the larger portion of our territory, and the elements not only of greatness, but of prosperity and even of security to life, liberty and property. Notwithstanding all this, it is, I fear, an undoubted truth that a few wretches among us, false to all our free and loyal traditions—false to the memory of their fathers and to the rights of their children—false to the country which has given them birth and protected them—only stopping short of the technical offence of treason—in the very madness of mischief, are actively plotting to betray us—to poison and mislead the minds of our people by treacherous misrepresentations, and to so aid and comfort the rebels that our fate may be either to abandon the free north and become hangers-on of a government founded in treachery, fraud and insane ambition; or at best, to dissolve the Union under which we have prospered, and to break this fair and glorious country into fragments which will be cursed by perpetual discords at home, and by the contempt and ill usage of foreign nations, from which we shall then be too weak to vindicate ourselves.

That such offences should be duly punished, no good citizen can doubt—and that proper legislation by Congress is required for that purpose can be as little doubted. Whether such legislation should include a suspension of the writ of habeas corpus in any, and what part of the country, is a question which belongs exclusively to the legislative authorities of the United States, who under the Constitution have the right to determine it. That great writ ought not to be suspended, unless, to the wisdom of Congress, the present necessity shall appear to be urgent.

I therefore recommend the passage of a joint resolution earnestly requesting that Congress shall forthwith pass laws defining and punishing offenses of the class above referred to, and providing for the fair and speedy trial by an impartial jury of persons charged with such offences, in the loyal and undisturbed States, so that the guilty may justly suffer and the innocent be relieved.

A. G. CURTIN.

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